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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,542

09/05/2003

Fred D. Siktberg

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8166

7590

12/15/2004

Jay G. Taylor
ICE MILLER
One American Square
Box 82001
Indianapolis, IN 46282-0002

EXAMINER

ALAVI, ALI

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,542

Applicant(s)

SIKTBERG ET AL.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A broad range or limitation followed by linking terms (e.g., preferably, maybe, for instance, especially) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-9, 12-13, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishihashi et al (US Pat. No 5,038,255).

Nishihashi discloses a lamp (1) assembly comprising, a housing (2) having an interior surface (2A, fig. 3) and an exterior surface (2B, fig. 3), a conductive lead frame molded (4) into the housing, the conductive lead frame comprising at least one positive

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connection pad (42), and at least one negative (across from 42) connection pad adjacent to the at least one positive connection pad at the interior surface of the housing and means (41) to electrically communicate the at least one positive connection pad and the at least one negative connection pad to the exterior surface of the housing, and at least one light emitting diode light source (5A, fig.3) positioned inside the housing and electrically connected across the at least one negative connection pad and the at least one positive connection pad, comprising LED drive components electrically connected across the at least one negative connection pad and the at least one positive connection pad (resistor 6, fig. 3), a lens attached to the housing (lens 3, fig. 6), a positive terminal extending from the exterior of the housing and electrically connected to the positive lead line, and a negative terminal extending from the exterior surface of the housing and electrically connected to the negative lead line, where the positive terminal and the negative terminal can be connected to an external source of electricity (fig. 4) .

Claims 1, 4, 8, 10, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al (US Pat. No 5,161,872).

Sasaki discloses an apparatus and method of manufacturing the same comprising a housing (base 3, fig. 1) having an interior surface and an exterior surface a conductive lead frame (2, fig. 1, col. 2, line 7) molded into the housing, the conductive lead frame comprising at least one positive connection pad (21), and at least one negative (22) connection pad adjacent to the at least one positive connection pad at the interior surface of the housing and means to electrically communicate the at least one positive connection pad and the at least one negative connection pad to the exterior

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surface of the housing, and at least one light emitting diode light source (5A, fig.3) positioned inside the housing and electrically connected across the at least one negative connection pad and the at least one positive connection pad., and reflector (4, fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihashi et al (US Pat. No 5,038,255) in view of Pederson (US Pat. No 6,705,745).


Nishihashi discloses the claimed invention as applied above but doesn't teach that LED emits any wavelength or combination of wavelengths. However, Pederson teaches that LED is known to provide alternative colored light which each color has different wavelength and LED light sources may be electrically controlled for the provision of any desired pattern of light. Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate a control circuitry into the lamp device of Nishihashi to provide different color/wavelength LED in order to achieve a desired pattern of light as taught by Pederson.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cok (US Pat. No 6,787,994), Topping et al (US Pat. No 6,076,950), Koppolu et al (US Pat. No 5,471,371), all are cited of interest.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ali Alavi
Examiner
AU 2875